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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,254	03/26/2002	Pontus Soderstrom	31577-176922	6058
26694	7590	05/21/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			CULBRETH, ERIC D	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/018,254	SODERSTROM	
	Examiner	Art Unit	
	Eric D Culbreth	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The drawings were received on 2/26/04. These drawings are not approved because Figure 9 would result in new matter (the specific location, shape, size, etc. of the gas generator inside the housing is not disclosed in the original specification but shown in the drawings). The deficiency may be overcome by stating in the specification that Figure 9 is a "schematic" showing of the generator in the housing (i.e., it is a representation for illustration purposes only).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gas generator inside the housing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Because Figure 9 was not approved by the examiner, the deficiency remains.

### ***Claim Rejections - 35 USC § 112***

3. Claims 4 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "concertina-style" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "style"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 15, in reciting the peripheral region of the base as deformable, contradicts claim 14 from which it depends, which recited the base as substantially rigid.

Claims 4 and 15 also contradict claim 1 in that claim 1 recites the upper cover as separating from the base, and in the embodiment of the invention with concertina style deformable portions as recited, the base does not separate (there is no one embodiment of the invention as disclosed where the base has concertina-style side walls or a deformable peripheral region yet separates from the upper cover upon inflation).

***Claim Rejections - 35 USC § 102***

4. Claims 1, 5 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kowalski. Kowalski discloses an air bag unit in a floor pan having a sealed damp-proof housing (shrinkwrapped at column 2, lines 17-18) containing air bag 24. Upper cover 26 is rigid (column 2, lines 14-16) and the cover is separated from the base or bottom plate 28 to which it is secured (by shrinkwrapping) upon inflation (Figure 3)(claim 1). As foam padding retains the unit in place (column 2, lines 1-11), the outer surface of the unit functions as means on the housing to mount the unit in position (claim 5).

Gas supply tube 32 connects to a gas generator 30 (claim 10).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 2 and 14-15 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski.

At column 2, lines 15-18, Kowalski discloses that the top and bottom plate may be sealed by shrinkwrapping or any other known seal. Sonic welding is a known seal (if it is not, then applicant's disclosure fails to enable the skilled artisan to make the invention as required by 35 USC 112 first paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include sonic welding of the parts in view of Kowalski's teaching of using any known weld (claim 2).

Regarding claims 14-15, Kowalski's base 28 would appear to be "substantially" rigid (its shape does not change in Figure 3 when the top plate separates from it), and its lip portion is secured to the cover. As claim 15 contradicts claims 14 and 1, as indefinitely recited Kowalski meets the positive limitations of the claim.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of German Published Application 19727598 (of record, cited by applicant).

Kowalski does not disclose the base secured to the cover by a deformable sidewall. German '598 discloses a deformable (i.e., collapsible and extensible) member 19 between cover 2 and base 11 in Figure 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include a deformable side member or wall securing the base and cover as taught by German '598 in order to better control movement of the cover during deployment.

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8. Claim 4 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of German '598 as applied to claim 3 above, and further in view of UK Patent 2,272,670 (of record).

Kowalski and German '598 do not teach a concertina-style wall as best understood, and German '598 only shows wall or member 19 schematically. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski and German '598 to include a concertina-style side wall as taught by UK 670's wall 40 in Figure 4 in order to fold the wall using a known style or manner.

9. Claims 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of Haland et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include triangular cells in the bag and the bag made of two layers as taught by Haland et al in order to better control gas distribution in the bag (claims 6-9). Regarding claim 11, Haland et al in the combination teaches an impact sensor that sets off a gas generator.

10. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of Boydston et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include electrical means supplying a signal to an inflator inside

the housing as taught by Boydston et al (pressure sensors 28 connected to a battery, inflator 24 inside housing 16) in order to make the system more compact.

### ***Response to Arguments***

11. Applicant's arguments filed 2/26/04 have been fully considered but they are not persuasive. Regarding the declaration filed 2/26/04 under 37 CFR 1.131, the declaration does not state in paragraph 2 which WTO member country the acts were carried out in. (Some member countries did not join the WTO until after 2/26/99; hence the declaration may not meet the requirements of 37 CFR 1.131.)

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

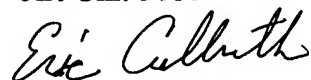
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric D Culbreth  
Primary Examiner  
Art Unit 3616



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